

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREG ABBOTT, in his capacity as
GOVERNOR OF THE STATE OF TEXAS,
and THE STATE OF TEXAS,

Defendants.

Case No. 1:23-cv-00853-DAE

**PLAINTIFF UNITED STATES' UNOPPOSED MOTION FOR A STAY OF
PROCEEDINGS**

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Dated: February 3, 2025

Counsel for the United States of America

Plaintiff the United States of America hereby moves, without opposition, to stay all proceedings in this case, inclusive of all deadlines in the Court's discovery scheduling order (ECF 263). The grounds for this motion are explained below:

1. Before the Court in this case is the United States' complaint against Texas, originally filed on July 24, 2023, and amended on October 23, 2023 (ECF 60), seeking injunctive relief pursuant to Section 10 of the Rivers and Harbors Act, 33 U.S.C. § 403.¹

2. On November 4, 2024, following an en banc Fifth Circuit decision reversing a preliminary injunction order and remanding for further proceedings, the Court took the then-scheduled trial in this case off calendar and reopened discovery. On December 16, 2024, the Court entered a schedule then jointly proposed by the parties, under which an exchange of amended initial disclosures is due February 10, 2025. ECF 263. That date is followed by subsequent scheduled intervals and deadlines for discovery, with all discovery to be completed by May 30, 2025. *Id.* The Court has not rescheduled trial.

3. The discovery schedule was adopted prior to the change in the Presidential administration. Accordingly, at this time the United States seeks a stay of all proceedings, inclusive of all deadlines in the above-noted discovery scheduling order, to allow a reasonable opportunity for the new Presidential administration to meaningfully evaluate the case, and for the United States to then confer with Texas on how to proceed. Such a stay is in the interest of justice. Furthermore, it would neither delay nor require the rescheduling of a trial, given that trial has not been calendared. The United States proposes that a status report of the parties be due 90 days following an order granting this motion.

¹ The Court dismissed on April 26, 2024, a second claim for additional injunctive relief pled by the United States' amended complaint. ECF 114.

4. Texas has confirmed through counsel that it does not oppose this motion.
5. For the above reasons, the United States requests that the Court grant this motion and enter the attached proposed order providing the relief requested in Paragraph 3 above.

Respectfully submitted,

Dated: February 3, 2025

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CERTIFICATE OF CONFERENCE

Pursuant to W.D. Tex. Rule CV-7(G), counsel for the United States wrote counsel for Texas on January 29, 2025, to ascertain if Texas would oppose a motion to stay proceedings for the reasons explained herein, and then sent counsel for Texas a draft of the motion on January 31, 2025. Texas subsequently confirmed through counsel that it does not oppose the motion.

CERTIFICATE OF SERVICE

I certify that on February 3, 2025, a copy of this filing was served on counsel of record through the Court's electronic filing system.

/s/ Brian H. Lynk
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